

Message Text

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PAGE 01 PARIS 35193 01 OF 02 030207Z POSS DUPE
ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /033 W
-----040504 030340Z /66
R 021709Z DEC 77
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 2516

LIMITED OFFICIAL USE SECTION 1 OF 2 PARIS 35193

E.O. 11652: NA
TAGS: EAIR, FR, US
SUBJ: CIVAIR: TWA'S PARIS-LONDON FLIGHTS

REFS: A. STATE 284313; B. STATE 286015

1. BEGIN SUMMARY: AT DEC 1 MEETING FOREIGN
MINISTRY WAS COMPLETELY UNMOVED BY OUR NOTE AND
SUPPORTING ARGUMENTS FOR APPROVAL TWA FLIGHTS 701/702
NOR WAS THERE ANY INTEREST IN EXPLORING POSSIBLE MODUS
VIVENDI INVOLVING TEMPORARY AUTHORIZATION. GOF IS
CONVINCED ITS INTERPRETATION OF BILATERAL IS CORRECT
AND TWA NOT AUTHORIZED TO OPERATE SUCH SERVICE. IN
ABSENCE OF ANY NEW AND PERSUASIVE ARGUMENTS WE THINK
IT WILL BE DIFFICULT TO BUDGE GOF FROM ITS POSITION.
WE QUESTION WHETHER OFFERING FRENCH UNLIMITED BLIND
SECTOR RIGHTS WOULD BE TO OUR OVERALL TACTICAL
ADVANTAGE AT THIS STAGE, EXPECIALLY SINCE THERE IS
SOME INDICATION MUCH OF TWA'S INTEREST IN PARIS
TERMINUS FOR THE FLIGHT MAY ONLY BE FOR CONVENIENCE
OF ACFT POSITIONING. ANYWAY, OFFERING ANY
INDUCEMENT TO FRENCH TO SECURE APPROVAL WOULD
COMPLETELY UNDERCUT OUR PRESENT POSITION THAT
PROPOSED SERVICE IS FULLY CONSISTENT WITH THE BILATERAL.
END SUMMARY.

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PAGE 02 PARIS 35193 01 OF 02 030207Z POSS DUPE

2. DURING MEETING DEC. 1 CLAUDE-LAFONTAINE OF FOREIGN
MINISTRY WAS UNMOVED BY OUR NOTE (REF A) SENT TO HER
PREVIOUS AFTERNOON OR BY ANY OF THE SUPPORTING
ARGUMENTS WE MUSTERED. NOR DID SHE NIBBLE AT OUR
SUGGESTION OF EXPLORING POSSIBLE MODUS VIVENDI
INVOLVING TEMPORARY AUTHORIZATION OF THE TWA SERVICE.

SHE SAID GOF FLATLY DISAGREED WITH OUR INTERPRETATION OF THE BILATERAL AND WAS FIRM IN ITS CONVICTION THAT PROPOSED SERVICE WAS INCONSISTENT WITH RIGHTS GRANTED U.S. UNDER THE BILATERAL. GOF WAS NOT ABOUT TO COUNTENANCE VIOLATION OF THE BILATERAL. UNFORTUNATELY, AS LUCK WOULD HAVE IT, MEETING HAD ORIGINALLY BEEN SCHEDULED FOR HER TO GIVE US COPY OF NOV 25 AIDE MEMOIRE WHICH FRENCH EMBASSY WAS TO DELIVER TO DEPT., AND IN WHICH GOF RIGHTEOUSLY POINTS TO "SOLEMN" COMMITMENTS UNDERTAKEN IN CIVAIR BILATERALS TO JUSTIFY REJECTION OF U.S. SUGGESTION FOR AD HOC AGREEMENT TO DEAL WITH PROBLEM OF SUPER-APEX FARES. CLAUDELAFONTAINE FURTHER REFERRED TO PROBLEMS U.S. IS CREATING WITH ITS PROPOSALS FOR LIBERALIZATION OF CHARTER RULES. SHE SAID USG WAS GIVING GOF SO MANY PROBLEMS IN CIVAIR FIELD THESE DAYS THAT GOF WAS NOT INCLINED TO DISPENSE ANY FAVORS TO US, I.E., EVEN TEMPORARY AUTHORIZATION FOR FLIGHTS 701/702.

3. CLAUDE-LAFONTAINE INSISTED THAT WORDING OF U.S. ROUTE GRANT IN 1960 EXCHANGE OF NOTES WAS CLEARLY INTENDED TO EXCLUDE SERVICE TO AND FROM U.S. EAST COAST POINTS EN ROUTE TO PARIS VIA LONDON. OTHERWISE THERE WOULD HAVE BEEN NO NEED TO SINGLE OUT WEST COAST FOR SPECIFIC MENTION AND THE ROUTE WOULD HAVE REFERRED ONLY TO "THE UNITED STATES" OR, WHY NOT, "ANY POINT IN LIMITED OFFICIAL USE

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PAGE 03 PARIS 35193 01 OF 02 030207Z POSS DUPE

THE UNITED STATES." IDENTIFICATION OF WEST COAST ORIGIN AND DESTINATION WAS THUS DONE FOR A PURPOSE AND WAS RESTRICTIVE, JUST AS WAS IDENTIFICATION OF EAST COAST IN THE ROUTE FOR CARGO FLIGHTS ALSO MENTIONED IN THE SAME EXCHANGE OF NOTES. (CLAUDE-LAFONTAINE WAS A MEMBER OF FRENCH DEL THAT NEGOTIATED THE 1960 AGREEMENT.)

4. CLAUDE-LAFONTAINE FURTHER SAID THAT SHE DID NOT UNDERSTAND RELEVANCY OF U.S. REFERENCE TO U.S. ROUTE 1 IN CONNECTION WITH THE TWA APPLICATION, SINCE LONDON CERTAINLY DID NOT QUALIFY AS "INTERMEDIATE POINT-OVER THE NORTH ATLANTIC FOR THE ROUTE. MOREOVER, SHE SAID, IF U.S. HAD RIGHT TO TRANSIT LONDON EN ROUTE PARIS UNDER U.S. ROUTE 1 THEN THERE WOULD HAVE BEEN NO NEED TO QUALIFY LONDON RIGHTS THROUGH 1960 EXCHANGE OF NOTES. (COMMENT: FRENCH REASONING WOULD SEEM FIND SUPPORT IN WORDING OF U.S. ROUTE 2 WHEREBY U.S. CARRIERS ARE ENTITLED FLY TO MARSEILLE AND NICE VIA INTERMEDIATE POINTS OVER THE NORTH ATLANTIC "AND SPAIN.")

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PAGE 01 PARIS 35193 02 OF 02 030205Z POSS DUPE
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INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /033 W
-----040491 030340Z /66

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LIMITED OFFICIAL USE SECTION 2 OF 2 SECTION PARIS 35193

5. WE EXPRESSED REGRET THAT FOREIGN MINISTRY WAS NOT EVEN PREPARED TO ENTERTAIN ANY THOUGHT OF FINDING SOME KIND OF MODUS VIVENDI, WHILE RESERVING POSITIONS OF EITHER SIDE, THAT WOULD PERMIT THE TWA SERVICE TO OPERATE, EVEN TEMPORARILY. WE NOTED THAT TO HANDLE FLIGHT 702, WHICH WOULD ARRIVE IN PARIS AT MIDNIGHT, TWA HAD HIRED SEVEN ADDITIONAL MECHANICS AND TWA ESTIMATED THAT WITH ADDITIONAL PERSONNEL AEROPORT DE PARIS WOULD BE REQUIRED TO TAKE ON FOR SERVICING THE FLT A TOTAL OF TWENTY NEW JOBS WOULD HAVE BEEN CREATED FOR THE FRENCH ECONOMY. IT WAS REGRETTABLE, WE SAID, THAT BECAUSE OF THE RIGIDITY OF THE GOF'S POSITION REGARDING INTERPRETATION OF THE BILATERAL THE WORK CONTRACTS OF THE MECHANICS WOULD NOT HAVE TO BE TERMINATED AND THE OTHER NEW JOBS WOULD ALSO NOT DEVELOP, AND THIS PRECISELY AT A TIME WHEN WE THOUGHT THE GOF WAS PLACING SUCH HIGH PRIORITY ON REDUCING UNEMPLOYMENT.

6. COMMENT: IT IS DIFFICULT TO SEE WHERE WE GO FROM HERE WITH THE FRENCH ON THIS QUESTION. UNLESS WE CAN COME UP WITH SOME NEW AND PERSUASIVE ARGUMENTS WE DOUBT THERE IS MUCH HOPE OF BUDGING THE FRENCH FROM THEIR FIRMLY HELD VIEWS. IT IS NOT CLEAR FROM PARA. 2, REF B, WHETHER IT IS CONTEMPLATED PERHAPS
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PAGE 02 PARIS 35193 02 OF 02 030205Z POSS DUPE

TO OFFER THE FRENCH UNLIMITED BLIND SECTOR RIGHTS TO

OBTAIN THEIR APPROVAL OF TWA FLIGHTS 701/702. SUCH RIGHTS, NOTABLY FOR TIKYO WHICH WOULD GIVE AIR FRANCE ITS AROUND-THE-WORLD ROUTE, WERE SOUGHT FROM US IN VAIN BY THE FRENCH IN THE BILATERAL CONSULTATIONS DATING FROM 1972-73, AND WHICH ARE STILL ONLY SUS-03,\$3\$. IT MIGHT THEREFORE BE FAR MORE ADVANTAGEOUS TACTICALLY TO HOLD BACK ON THIS OFFER UNTIL THE NEXT ROUND OF BILATERAL CONSULTATIONS WITH THE FRENCH, WHICH WE EXPECT WILL OCCUR IN THE FIRST QUARTER OF 1978 PRIOR TO THE MAR 31 EXPIRATION OF AIR FRANCE'S TRONTO AUTHORITY. WE ALSO UNDERSTAND FROM TWA THAT PART OF THE CARRIER'S INTEREST IN OPERATING FLT 702 TO PARIS STEMS NOT SO MUCH FROM THROUGH TRAFFIC CONSIDERATIONS AS FROM OPERATIONAL CONVENIENCE OF HAVING THE AIRCRAFT POSITIONED AT PARIS. IN FACT, IF FLIGHT 702 MUST TERMINATE IN LONDON BECAUSE OF GOF DISAPPROVAL, WE ARE TOLD THAT TWA IS GIVING SOME THOUGHT TO FERRYING ACFT ON TO PARIS SO THAT IT CAN BE POSITIONED HERE FOR DEPARTURE ON ANOTHER ROUTE IN THE MORNING. IF SO, THIS COULD RAISE SOME QUESTION OF HOW FAR WE SHOULD GO WITH THE FRENCH IN AN EFFORT TO SECURE THEIR APPROVAL OF THE TWA SERVICE. THAT STILL LEAVES US WITH A DILEMMA, OF COURSE, IN THAT OFFER OF ANY CONCESSION TO THE FRENCH WOULD COMPLETELY UNDERCUT OUR PRESENT POSITION THAT FLIGHTS 701/702 ARE FULLY CONSISTENT WITH THE BILATERAL.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIR SCHEDULES
Control Number: n/a
Copy: SINGLE
Sent Date: 02-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PARIS35193
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770448-0890
Format: TEL
From: PARIS
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t197712100/aaaadgqg.tel
Line Count: 198
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 69ea20fb-c188-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 284313, 77 STATE 286015
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 07-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 103734
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: TWA'S PARIS-LONDON FLIGHTS
TAGS: EAIR, FR, US
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/69ea20fb-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009